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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,910	09/28/2001	Jeffery A. Sylvester	BELL-0120/01126	4236
38952	7590	10/20/2005	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			ENG, GEORGE	
			ART UNIT	PAPER NUMBER
			2688	
DATE MAILED: 10/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,910

Applicant(s)

SYLVESTER ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10, 12-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☐ Claim(s) 2-10, 12-15, 17 and 20 is/are rejected.
- 7) ☒ Claim(s) 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the amendment filed 7/29/2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 2-4, 7-8, 12-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saotome (JP 07288567A) in view of Jensfelt (US PAT. 6,330,430).

Regarding claim 12, Saotome discloses a protective cover (1, figure 1) for a telephone having a keypad (10, figure 1) and a display (13, figure 1), the cover covering comprising a

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keypad portion for covering the keypad of the telephone to protect the telephone at the keypad and a display portion for covering the display of the telephone to protect the telephone at the display, wherein the cover further includes a securing device (11, figure f) for securing the cover to the telephone in a repeatedly mountable and disengagable manner (abstract). Saotome differs from the claimed invention in not specifically teaching the securing device including a pair of wings that extend generally from either lateral side of the keypad portion and along sides of the mounted-to telephone, and a strap that interconnects distal ends of the wings at a rear face or the mounted-to telephone. However, Jensfelt discloses a protective case for mobile phone comprising a flexible sheet having a selectively adjustable length to accommodate a variety of different-sized mobile terminals including a pair of wings that extend from lateral sides of the keypad portion and along sides of the mounted-to a protected device (figure 4) and a strap (26, figure 4) that interconnects distal ends of the wings at a rear face of the mounted-to the protected device (col. 2 line 18 through col. 4 line 34). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the securing device of Saotome including the pair of wings that extend generally from either lateral side of the keypad portion and along sides of the mounted-to telephone, and a strap that interconnects distal ends of the wings at a rear face or the mounted-to telephone, as per teaching of Jensfelt, in order to allow the cover to be adapted for use with a variety of differently sized mobile units.

Regarding claims 2-4, Saotome discloses the telephone further comprising a sound pickup (6, figure 1) and an ear speaker (7, figure 1), wherein the cover defines a pickup aperture therein to externally expose the sound pickup and a speaker aperture therein to externally expose

the speaker, and a bottom aperture through which the telephone enters the cover when cover is mounted thereto, the bottom aperture encompassing the pickup aperture (figure 1).

Regarding claims 7-8, Saotome discloses the cover defining a power and communications connector aperture (4, figure 1) therein, which the telephone enters the cover when the cover is mounted thereto, to externally expose the power and communication connector (figure 1).

Regarding claims 13-14, Jensfelt discloses the wings and strap reside adjacent and define a bottom aperture through which an audio device enter the cover when the cover is mounted thereto, wherein the securing device maintains an interference fit with the protected device when the cover is mounted thereto (figures 1-3 and col. 2 lines 42-64).

Regarding claim 15, Jensfelt disclose the strap being constructed from an elastic material (col. 1 lines 46-53).

Regarding claim 17, Saotome discloses a protective cover (1, figure 1) for a telephone having a keypad (101, figure 1) and a display, the cover comprising a keypad portion for covering the keypad of the telephone to protect the telephone at the keypad and a display portion for covering the display of the telephone to protect the telephone at the display (figure 1, wherein the cover comprising a first zone including the keypad portion, a second zone for covering the back portion of the telephone and a third zone including the display portion (abstract). Saotome differs from the claimed invention in not specifically teaching the cover formed from a single longitudinally extending piece of a sheet of plastic comprising a bottom zone defining one longitudinal end of the piece, a back zone defining the other longitudinal end of the piece and a top zone between the bottom zone and back zone and including display portion. However, Jensfelt teaches a cover of a portable unit form from a single longitudinal extending piece of a

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sheet of plastic as shown in figure 4 including bottom zone (20, figure 4) defining one longitudinal end of the piece, and a back zone (16, figure 4) defining the other longitudinal end of the piece, and a top zone (24, figure 4) between the bottom zone and back zone and including display portion (col. 2 lines 18-41). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Saotome in having the cover formed from a single longitudinally extending piece of a sheet of plastic comprising a bottom zone defining one longitudinal end of the piece, a back zone defining the other longitudinal end of the piece and a top zone between the bottom zone and back zone and including display portion, as per teaching of Jensfelt, in order to allow the cover to be adapted for use with a variety of differently sized mobile units.

Regarding claim 20, Jensfelt discloses the cover including a securing device (24, figure 4) for securing a pair of wings that extend generally from lateral side of the keypad portion and along sides of the mounted-to telephone and a strap that interconnects distal ends of the wings at a rear face of the mounted-to telephone (col. 2 line 18 through col. 4 line 34).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushima et al. Saotome (JP 07288567A) in view of Jensfelt (US PAT. 6,330,430) as applied in claim 1 above, and further in view of Takagi et al. (US PAT. 5,251,329 hereinafter Takagi).

Regarding claim 5, the combination of Saotome and Jensfelt differs from the claimed invention in not specifically teaching the telephone further including an external antenna connector and the cover defines an external antenna connector aperture therein to externally expose the external antenna connector. However, it is old and notoriously well known in the art

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of a radiotelephone comprising an external antenna to send and receive electrical waves, for example see Takagi (figure 2 and col. 4 lines 33-38). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Saotome and Jensfelt in having the external antenna connector, as per teaching of Takagi, in order to enhance the telephone by providing an additional means for sending and receiving electrical waves.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saotome (JP 07288567A) in view of Jensfelt (US PAT. 6,330,430) and Takagi et al. (US PAT. 5,251,329 hereinafter Takagi) as applied in claim 5 above, and further in view of Flannery (US 2002/0086711).

Regarding claim 6, the combination of Saotome, Jensfelt and Takagi differs from the claimed invention in not specifically teaching the telephone further including a holster knob. However, it is well known in the art of telephone comprising attaching mechanism, i.e., a holster knob, for attaching the telephone to user or a user's clothing, for example see Flannery (figure 2 and [0016]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Saotome, Jensfelt and Takagi in having the holster knob in the telephone, as per teaching of Flannery, in order to make user friendly by attaching the telephone to user or a user's clothing utilizing the holster knob.

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6. Claims 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saotome (JP 07288567A) in view of Jensfelt (US PAT. 6,330,430) as applied in claim 1 above, and further in view of Inoue (JP 2000115310A).

Regarding claim 10, the combination of Saotome and Jensfelt differs from the claimed invention in not specifically teaching the cover defining an internal antenna nub aperture therein to externally expose the internal antenna nub. However, Inoue discloses the telephone further comprising an internal antenna nub and the cover defining an internal antenna nub aperture therein to externally expose the internal antenna nub (figure 1) in order to make user friendly. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Saotome and Jensfelt in having the cover defining the internal antenna nub aperture therein to externally expose the internal antenna nub, as per teaching of Inoue, in order to make user friendly.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saotome (JP 07288567A) in view of Jensfelt (US PAT. 6,330,430) as applied in claim 1 above, and further in view of Flannery (US 2002/0086711).

Regarding claim 9, the combination of Saotome and Jensfelt differs from the claimed invention in not specifically teaching the telephone further including a holster knob. However, it is well known in the art of telephone comprising attaching mechanism, i.e., a holster knob, for attaching the telephone to user or a user's clothing, for example see Flannery (figure 2 and [0016]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Saotome and Jensfelt in having the holster

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knob in the telephone, as per teaching of Flannery, in order to make user friendly by attaching the telephone to user or a user's clothing utilizing the holster knob.

Allowable Subject Matter

8. Claims 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 21 is allowed.

Response to Arguments

10. Applicant's arguments with respect to claims 2-10, 12-15 and 17-20 have been considered but are moot in view of the new ground(s) of rejection.

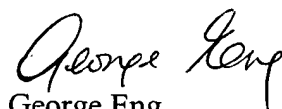
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (571) 272-7495. The examiner can normally be reached on Tue-Fri 7:30 AM-5:00 PM, and alternate Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George Eng
Primary Examiner
Art Unit 2688